

PAUL S. AOKI 1286  
Acting Corporation Counsel

ROBERT M. KOHN 6291  
NICOLETTE WINTER 9588  
Deputies Corporation Counsel  
City and County of Honolulu  
530 S. King Street, Room 110  
Honolulu, Hawai'i 96813  
Telephone: (808) 768-5129, 5234  
Facsimile: (808) 768-5105  
Email: [robert.kohn@honolulu.gov](mailto:robert.kohn@honolulu.gov),  
[nwinter@honolulu.gov](mailto:nwinter@honolulu.gov)

Attorneys for Defendant  
**CITY AND COUNTY OF  
HONOLULU**

ALAN ALEXANDER BECK 9145  
Law Office of Alan Beck  
2692 Harcourt Drive  
San Diego, CA 92123  
Telephone: (619) 905-9105  
Email: [Alan.alexander.beck@gmail.com](mailto:Alan.alexander.beck@gmail.com)

Attorney for Plaintiff  
**ALANOA NICKEL**

CLARE E. CONNORS 7936  
Attorney General of Hawaii

CARON M. INAGAKI 3835  
KENDALL J. MOSER 6515  
Deputy Attorneys General  
Department of the Attorney General,  
State of Hawaii  
425 Queen Street  
Honolulu, Hawaii 96813  
Telephone: (808) 586-1494  
Facsimile: (808) 586-1369  
Email:  
[Caron.M.Inagaki@hawaii.gov](mailto:Caron.M.Inagaki@hawaii.gov),  
[Kendall.J.Moser@hawaii.gov](mailto:Kendall.J.Moser@hawaii.gov),

Attorneys for Defendants  
**CLARE E. CONNORS**  
and **AL CUMMING**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

ALANOA NICKEL,

Plaintiff,

vs.

CLARE E. CONNORS, in her Official Capacity as the Attorney General of the State of Hawaii and AL CUMMINGS in his Official Capacity as the State Sheriff Division Administrator; and CITY AND COUNTY OF HONOLULU,

Defendants.

Civil No. 20-00330 JMS-RT

**STIPULATION AND ORDER**

TRIAL: None.

**STIPULATION AND ORDER**

On July 27, 2020, Plaintiff Alanoa Nickel filed a complaint alleging that he is a resident of the State of Hawaii and wants to apply for a permit to acquire a firearm. He further alleges that he meets all of the eligibility requirements under Hawaii law except for the United States citizenship requirement in Hawaii Revised Statutes § 134-2(d). Nickel was born in American Samoa and is a U.S. national but not a U.S. citizen. The complaint points to this Court's ruling in *Fotoudis v. City & County of Honolulu*, 54 F. Supp. 3d 1136 (D. Haw. 2014), whereby § 134-2(d) was permanently enjoined as applied to permanent resident aliens, with the Court concluding:

Defendants and/or their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of this injunction, are enjoined from precluding lawful permanent resident aliens residing in the State of Hawaii from applying for a permit to acquire firearms as set forth in HRS § 134-2(d).

*Id.* at 1145.

The parties agree that the permanent injunction and ruling in *Fotoudis* should be extended so as to apply equally in this case.

Therefore, it is stipulated that HRS § 134-2(d)'s citizenship requirement be permanently enjoined as it applies to non-citizen United States nationals.

DATED: Honolulu, Hawai'i, August 10, 2020.

PAUL S. AOKI  
Acting Corporation Counsel

By /s/ Robert M. Kohn  
ROBERT M. KOHN  
NICOLETTE WINTER  
Deputies Corporation Counsel

Attorneys for Defendants  
CITY AND COUNTY OF HONOLULU

/s/ Alan Alexander Beck  
ALAN ALEXANDER BECK

Attorney for Plaintiff  
ALANOA NICKEL

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*Nickel v. Connors, et al.*; Civil No. 20-00330 JMS-RT; Stipulation and Order

/s/ Kendall Moser

CARON M. INAGAKI, ESQ.  
KENDALL MOSER, ESQ.  
Deputy Attorneys General

Attorneys for CLARE E. CONNORS  
and AL CUMMINGS

**IT IS APPROVED AND SO ORDERED**

DATED: Honolulu, Hawaii, August 10, 2020.



/s/ J. Michael Seabright

J. Michael Seabright  
Chief United States District Judge